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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,328	06/25/2003	Geoffrey T. Dunbar	302124.01	2867

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MICROSOFT CORPORATION
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EXAMINER

BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
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2141

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/08/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/08/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/603,328

Applicant(s)

DUNBAR ET AL.

Examiner

Djenane M. Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 28-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) 14-27 and 35-50 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :4/05/06, 2/13/06, 5/31/05 and 9/15/03.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-13 and 28-34 , drawn to processing multimedia data using multimedia components , classified in class 709, subclass 231.
 - II. Claims 14-19 and 35-40, drawn to dynamically changing the assembly of the multimedia processor, classified in class 709, subclass 232.
 - III. Claims 20, 41-42, drawn to locating and querying multimedia components classified in class 709, subclass 234.
 - IV. Claims 21-27 and 43-50, drawn to retrieving a part of multimedia stream using multimedia component, classified in class 709, subclass 219.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions are not related because

Invention I is directed to processing multimedia data using multimedia components.

Invention II is directed to dynamically changing the assembly of the multimedia processor.

Invention III is directed to locating and querying multimedia components.

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Invention IV is directed to retrieving a part of multimedia stream using multimedia component.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

3. During a telephone conversation with Carole Boelitz, Reg No. 48,958 on 2/26/07 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-13 and 28-34. Affirmation of this election must be made by applicant in replying to this Office action. Claims 14-27 and 35-50 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-13 and 28-34 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent No. 6,725,279 to Richter et al.

a. As per claims 1 and 28, Richter et al teaches a method of processing multimedia data, the method comprising: creating a topology of connections between one or more multimedia components in a topology generating element (See col. 3, lines 16-17, *for each multimedia task, application interface IA creates a subset of the multimedia processing blocks required to run said task*), the topology describing a set of input multimedia streams, one or more sources for the input multimedia streams, a sequence of operations to perform on the multimedia data, and a set of output multimedia streams (See col. 2, lines 37-49 and col. 3, lines 17-34); transmitting the topology to a media processor; and passing data according to the topology, the passing governed by the media processor (See col. 3, lines 1-3 and col. 4, lines 20-24).

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b. As per claim 8, Richter et al teaches a system for processing multimedia data, the system comprising: a control layer configured to receive instructions from an application, the control layer including: a topology generating element configured to generate a topology describing a set of input multimedia streams, one or more sources for the input multimedia streams, a sequence of operations to perform on the multimedia data, and a set of output multimedia streams (See col. 2, lines 37-49 and col. 3, lines 17-34); and a media processor configured to govern the passing of the multimedia data as described in the topology and govern the performance of the sequence of multimedia operations on the multimedia data to create the set of output multimedia streams (See col. 2, lines 22-23 and col. 3, lines 1-4).; a core layer coupled to the control layer, the core layer configured to include: the input media streams; the sources for the input multimedia streams; one or more transforms configured to operate on the multimedia data; one or more stream sinks coupled to the control layer; and one or more media sinks configured to provide the set of output multimedia streams (See col. 3, lines 16-50).

c. As per claims 2 and 29, Richter et al teaches the claimed invention as described above. Furthermore, Richter et al teaches performing the sequence of multimedia operations on the multimedia data to create the set of output multimedia streams (See col. 2, lines 37-49 and col. 3, lines 17-34).

d. As per claims 3, 9 and 30, Richter et al teaches the claimed invention as described above. Furthermore, Richter et al teaches wherein the multimedia components are software objects (See col. 2, lines 19-21).

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e. As per claims 4, 10 and 31, Richter et al teaches the claimed invention as described above. Furthermore, Richter et al teaches wherein the topology generating element is a topology loader (See col. 2, lines 24-28).

f. As per claims 5, 11 and 32, Richter et al teaches the claimed invention as described above. Furthermore, Richter et al teaches wherein the topology generating element is an application program (See col. 2, lines 24-28).

g. As per claims 6, 12 and 33, Richter et al teaches the claimed invention as described above. Furthermore, Richter et al teaches wherein the media processor exposes the multimedia data to an application.

h. As per claims 7, 13 and 34, Richter et al teaches the claimed invention as described above. Furthermore, Richter et al teaches wherein the media processor accepts the multimedia data via being configured as a media sink.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,957,430 to Fant et al teaches a method for managing multimedia platform resources and multimedia platform for implementing it.

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U.S. patent No. 5,625,845 to Allran et al teaches a system for executing multimedia applications which interface with multimedia end devices that consume or produce at least one of a real-time and asynchronous streamed data.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

Patent Examiner


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER